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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,779	07/25/2001	John Peter Karidis	RPS920000402US2	5150

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 03/12/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

PM

Office Action Summary

Application No.

09/912,779

Applicant(s)

KARIDIS ET AL.

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July/25/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Claim Rejections – 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is indefinite because, the image projection onto the reflective surface in a “closed position” is not discussed, the specification (see for example, Figures 5-7, and section [0031]), the images are projected onto the reflective surface when the display is in “open position”. For the sake of examining the claim on the merit, examiner will assume that the display is in an “open position”. Examiner requests a correction or clarification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Budd et al. U. S. Patent 5,970,418.
4. Regarding claim 1, Budd discloses a communications device having first and second modes of operation (54, Figure 9-11), where in the first mode of operation a display (60) built into the device displays information for direct viewing by a user (column 7, lines 22-36), and where in the second mode of operation the display (60) built into the device projects information onto a reflective surface for viewing by the user (Figures 10-11, and column 6, lines 18-30).
5. Regarding claims 4, and 5, as shown above Budd teaches all the limitation of claims 4 and 5 in claim 1 (Figures 9-10).
6. Regarding claim 6, Budd teaches claim 1, and further teaches the input device (element 30, 32, Figures 1-11) that permits input by the user when the communication device is open or closed (see for column 3, lines 60-67, and column 4, lines 1-8).

7. Regarding claim 7, Budd teaches claim 1, and further teaches the device is a telephone that permits the user to conduct a conversation while also viewing the display (see for example, column 3, lines 8-27).
8. Regarding claim 8, Budd discloses a personal communications device (54, Figure 9-11) comprising: a main body (64) having a built-in display (60); a cover (62) hingably attached to the main body (64), wherein the display is viewable by a user through an opening in the cover when the cover is in a closed position with respect to the main body (Figure 9, column 6, lines 22-26); and a reflective (62, Figure 10) surface attached to the main body (64) for reflecting images projected by the display (60) when the cover is in an open position with respect to the main body (element 64; Figure 10, column 6, lines 31-37).

Claim Rejections – 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) Patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budd et al. U. S. Patent 5,970,418, and in view of Holshouser et al. U. S. Patent 6151486.
11. Regarding claim 9, Budd teaches claim 8, and further teaches the communication device (54, Figures 9-11) with the wireless telephone circuitry for permitting the user to conduct a telephone conversation (Abstract, lines 1-3, and column 6, lines 50-54), including a speaker (154 (Figure 1, element 16)) and a microphone (150 (Figure 1, element 20)) where the user can view the images projected onto the reflective surface (62) while holding the device to a side of the user's face to conduct the telephone conversation (see for example, Figure 10; column 3, lines 19-22; column 7, lines 17-21). However, Budd does not teach the speaker and microphone in the cover.
- Holshouser teaches the flip cover (22, Figure 1A) with speaker and microphone in the cover (column 4, lines 27-36).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Holshouser's radiotelephone flip cover with Budd's wireless handset phone with "projection" display to provide a communication device with a speaker and microphone in the flip cover because, it is less bulky and that do not require as much space and it can be operated using one hand (column 1, lines 51-52; column 2, lines 38-46).

12. Regarding claim 10, Budd and Holshouser teach all the limitations of claim 10 in claims 8-9.
- 13.. Regarding claim 11, Budd and Holshouser teach claim 10, and Budd further teach that when it is being viewed by the user the images are rotated 90 degrees when projected onto the reflective surface from an orientation when displayed by the display when it is in an opened position (column 4, lines 32-40, Figure 10).
14. Regarding claim 12, Budd and Holshouser teach claim 9, and Budd further teaches the input device for moving and selecting items displayed on the display by user (element 30, 32, Figures 1-11; column 3, lines 28-37, and column 3, lines 60-67, and column 4, lines 1-8).

15. Claims 2-3, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budd et al. U. S. Patent 5,970,418, and in view of Novis et al. U. S. Patent 5867795.

16. Regarding claims 2-3, and 13-14, Budd teaches a personal communication device (54, Figure 9-11) with the different display modes (60, Figure 9-11) for a user's viewing in a direct-view that the display is visible to the viewer (Figure 9), and in "projection-view" where more content can be displayed (Figure 10, and column 3, lines 16-19). However, Budd does not teach displaying information with the specific size.

Novis teaches the use of optical lens set (94, Figure 12) that is used in direct retinal scan display for displaying and magnifying images and characters (see for example, column 10, lines 19-34).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Novis' portable electronic device optical lens set with Budd's wireless handset phone display to provide a communication device with a display that has optical lens set because having the optical lens set provides a display with the magnification feature, this added feature makes it more marketable.

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Conclusion

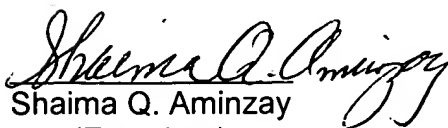
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure
2. .Cone et al., Portable communication Device with Virtual Image Display.
3. Shah, Communication Device with Mode Change Softkeys.

Inquiry

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service telephone number is 703-305-3900.


Shaima Q. Aminzay
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay Maung
(SPE)

Art Unit 2684

February 26, 2004